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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

# UNITED STATES OF AMERICA

CASE NO. CR 3:14-00534 CRB

V.

JOSEPH J. GIRAUDO,  
RAYMOND A. GRINSELL,  
KEVIN B. CULLINANE,  
JAMES F. APPENRODT, and  
ABRAHAM S. FARAG.

**UNITED STATES' MOTION TO DISMISS  
COUNTS 2 THROUGH 5, 7, AND 8, AND  
FORFEITURE ALLEGATION FROM  
INDICTMENT**

## Defendants.

The United States, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, hereby moves to dismiss Counts 2 through 5, 7, and 8, and the forfeiture allegation (paragraphs 37 through 39) from the indictment in the above-captioned matter with prejudice. Counts 2 through 5, 7, and 8 charge various defendants with mail fraud, in violation of 18 U.S.C. § 1341.

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The United States intends to continue its prosecution of Counts 1 and 6, which charge various defendants with bid rigging in violation of 15 U.S.C. § 1.

DATED: October 12, 2016

Respectfully submitted,

/s/  
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Andrew Nicholson-Meade  
Kevin B. Hart  
Trial Attorneys  
Antitrust Division  
U.S. Department of Justice